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New gTLD Subsequent Procedures Draft Final Report - Public Comment Input Form

Google Forms <forms-receipts-noreply@google.com>
To: rbeauregardlacroix@gmail.com

Mon, Oct 5, 2020 at 10:37 PM

Google Forms

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Here's what we got from you:

[Edit response](#)

New gTLD Subsequent Procedures Draft Final Report - Public Comment Input Form

This Public Comment forum seeks community feedback on the draft Final Report published by the New gTLD Subsequent Procedures Policy Development Process (PDP) Working Group.

Email address *

rbeauregardlacroix@gmail.com

>>> IMPORTANT INSTRUCTIONS >>> PLEASE READ BEFORE PROCEEDING
>>>

Purpose and Format

The purpose of this public comment period is to obtain input on recommendations that have changed substantively since publication of the Initial Report and Supplemental Initial Report, as well as a limited number of specific questions.

- This is a standard format for collecting public comment. It seeks to:
 - Clearly link comments to specific topics of the draft Final Report
 - Encourage commenters to provide reasoning or rationale for their opinions
 - Enable the sorting of comments so that the Working Group can more easily read all the comments on any one topic
- Outputs in the Final Report: There are 5 types of outputs: (a) Affirmation, (b) Affirmation with Modification, (c) Recommendation, (d) Implementation Guidance, and/or (e) No Agreement.
- Please go to the referenced topic in the draft Final Report at the beginning of each section in the Google Form to read the details and context of each Output.

PLEASE NOTE: Word format form to enter and save work

PLEASE NOTE: The most secure, and strongly recommended, method to complete the survey is to enter your responses into the Word format form available at the link below, and then copy the information into the Google survey form.

- Word: <https://gnso.icann.org/en/issues/new-gtld-subsequent-draft-final-report-public-comment-input-form-20aug20-en.docx>
- PDF (for reference): <https://gnso.icann.org/en/issues/new-gtld-subsequent-draft-final-report-public-comment-input-form-20aug20-en.pdf>

If you encounter a warning that your responses are too large (the character limit), please contact policy-staff@icann.org for assistance.

Please submit your public comments via this form only

If you are unable to use Google forms, alternative arrangements can be made. Please contact policy-staff@icann.org for assistance.

There is no obligation to complete all sections within this form

Respond to as many or as few questions as desired. The only "mandatory" questions are those related to commenter's personal data in Section 1 and Section 2 of this form.

You may enter general comments in the last section (Section 3)

There is an opportunity to comment on the general content of this Draft Final Report and provide input that may not be tied to any specific items that the Working Group is seeking community input.

There is a limit of 2,000 characters (about 350-400 words) for each "text box" response

In the event you reach the character limit, you may send an email to policy-staff@icann.org, and the Working Group Support Staff will assist you and manually enter your responses.

To stop and save your work for later, you MUST (to avoid losing your work):

1. Provide your email address above in order to receive a copy of your submitted responses;
2. Click "Submit" at the end of the Google Form (the last question after every 5 topics allows you to quickly jump to the end of the Google Form to submit);
3. After you click "Submit," you will receive an email to the above-provided email address; within the email, click the "Edit Response" button at top of the email;
4. After you click the "Edit Response" button, you will be directed to the Google Form to return and complete;
5. Repeat the above steps 2-4 every time you wish to quit the form and save your progress.

When the commenter hits the "Submit" button, all submitted comments will be displayed publicly via an automatically-generated Google Spreadsheet

Note: Email addresses provided by commenters will not be displayed.

The final date of the Public Comment forum is 30 September 2020

This form will be closed by 30 September 2020. Any comments received after that date/time will not be reviewed/discussed by the Working Group.

Section 2: Consent & Authorization

By submitting my personal data, I agree that my personal data will be processed in accordance with the ICANN Privacy Policy (<https://www.icann.org/privacy/policy>), and agree to abide by the website Terms of Service (<https://www.icann.org/privacy/tos>).

Please provide your name: *

Kathy Kleiman/Bruna Martins dos Santos/Raphael Beauregard-Lacroix

Please provide your affiliation *

NCSG

Are you providing input on behalf of another group (e.g., organization, company, government)? *

☐ Yes

☒ No

If yes, please explain:

.....

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☒ No, I would like to continue to the next section

Topic 1: Continuing Subsequent Procedures

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 14 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Affirmed purposes for introducing gTLDs.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 2: Predictability

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 15 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Added details to the Initial Report's conceptual Predictability Framework, including defining different "buckets" of changes, clarifying which parties can raise issues, and explaining in more detail the jurisdiction of the Framework/SPIRT.
- Added specific details to the structure of the SPIRT, governance model and operating procedures.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☒ Do not support certain aspects or all of the Output(s)

Enter your response here:

A lot of work has gone into the “Predictability Framework,” but it remains something new in the ICANN process - a standing Implementation Review Team. It will continue to operate long after the initial IRT is over, and it should be annually reviewed by the GNSO Council for compliance with the rules the WG has sought to create.

Further, NCSG submits that it needs to be very clear, and expressly in writing as a recommendation of the WG, that GNSO Council procedures take precedence over the Predictability Framework. Otherwise, we must object to the whole Predictability Framework.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☒ New information or interests that the Working Group has not considered

Enter your response here:

To do otherwise is to make the SPIRT and the Predictability Framework superior to the GNSO Council - which was never the WG's intent, and certainly not the NSCG's goal.

Topic 3: Applications Assessed in Rounds (Application Submission Periods)

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 19 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Simplified recommendation to make it clear that the New gTLD Program would be conducted in rounds.
- Added recommendations on when future rounds can be initiated (even if applications may still be pending from the previous round).
- Added clarity on the circumstances when a new application may be submitted for a string that was not delegated in the previous round.
- Added recommendations on the need for a predictable cadence of future rounds and that future reviews of the program should be conducted concurrently with the program.
- Added recommendation that material changes from reviews/policy development should apply only to the next subsequent round.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written



No Opinion

If you choose the following response, please indicate in the text box below what should change and why:



Do not support certain aspects or all of the Output(s)

Enter your response here:

We support Rounds, but do not necessarily support a predictable cadence of Rounds. The timing of Rounds should depend on the number of applications that is submitted - more applications and we should have a longer time between Rounds. It is important that Commenters, who will include NCSG members, have adequate time to review and comment on applications and critique and oppose them as needed. The timing of Rounds should be dependent on a high level of delegations, and a fair and full period for the Community to catch its breath, before a subsequent Round is announced.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:



New information or interests that the Working Group has not considered

Enter your response here:

COVID19 is the new information. The world has changed and we will continue to work remotely for some time. This makes it even more difficult for organizations, including those in the NCSG, to work at breakneck speed. ICANN and the New gTLD Program and its Rounds must take into account the difficulties of the world of the Community and commenters.

Topic 4: Different TLD Types

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 23 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- More detail provided on different categories of TLD applications and how those are treated (e.g., how the type of application, string, or applicant will result in differential treatment during the application evaluation process).
- Added Category 1 - GAC Safeguards, IGO and governments, and Applicant Support as different TLD Types.
- Added recommendation that creating types should be exceptional and need-based, but that there should be a predictable process to have potential changes considered by the community.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 5: Application Submission Limits

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 27 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☒ Do not support certain aspects or all of the Output(s)

Enter your response here:

We do not support unlimited applications in every Round from any and all applicants. These rules dramatically favor large, existing and well-financed entities at the expense of encouraging applications for gTLDs from companies and communities around the world. We support 24 applications per company and/or any other reasonable limit the WG chooses. But limits are key lest the resources of ICANN and the good-will of the Community are overtaxed, while some companies are given enormous control over large numbers of gTLDs.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☒ New information or interests that the Working Group has not considered

Enter your response here:

The WG report does not convey why the WG considered application limits to be unprincipled. It only seems to convey a sense that applicants want an unlimited number of applications. NCSG submits there must be a stronger reason than desire provided...

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☒ No, I would like to continue to the next section

Topic 6: Registry Service Provider Pre-Evaluation

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 28 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Renamed the service to better align with its function (RSP Pre-Evaluation). Clarified that substantively, the program is more about timing of the review rather than introducing new evaluation requirements.
- Confirmed that new and existing RSPs are eligible for pre-evaluation (no automatic approval for existing RSPs).
- Provided guidance on timing and applicability of pre-evaluation (only applies to the specific round and that in the future, streamlining the process may be appropriate).
- Confirmed that pre-evaluated RSPs are not "contracted parties" for purposes of the GNSO Structure.
- Recommended that for usability, a list of pre-evaluated RSPs must be made available well enough in advance of the application submission window, so as to be useful for prospective applicants.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 7: Metrics and Monitoring

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 33 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- The section itself is new, but the content is not. This new section simply aggregates the metrics and monitoring recommendations from various sections.

Description of Difference: No substantive differences, but minor differences include the following:

- The section itself is new, but the content is not. This new section simply aggregates the metrics and monitoring recommendations from various sections.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 8: Conflicts of Interest

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 35 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- The section itself is new, but the content is not. This concept was originally captured in Objections, but the WG deemed it to be broadly applicable to all vendors that support the program (e.g., evaluators, objections providers).

If you choose one of the following responses there is no need to submit comments:

☐ Support Output(s) as written

☒ Not ideal, but willing to accept Outputs as written

☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 9: Registry Voluntary Commitments / Public Interest Commitments

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 36 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Added specificity to mandatory PICs (i.e., reference to specification 11 3(a)-(d)).
- Added a recommendation to allow for single-registrant TLDs to obtain waivers for 11 3(a) and 3(b)
- Added specificity to voluntary PICs (which were renamed Registry Voluntary Commitments, or RVCs), including when and for what reasons they may be added and that they be treated as application change requests (to allow for public consideration).
- Recommended that the PICDRP be updated to account for name change.
- Added a recommendation to improve access for being able to review RVCs, in line with CCT-RT recommendation 25.
- Added a set of recommendations for Category 1 Safeguards, which affirms the NGPC framework and suggests that strings be evaluated as an evaluation element, to determine if they fall into any of the NGPC framework groupings.

- Added a recommendation that DNS Abuse should be addressed holistically, instead of just in the context of future new gTLDs.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☒ Do not support certain aspects or all of the Output(s)

Enter your response here:

There are many positive improvements here and the mandatory PICs have a lot of support. We remain deeply concerned that RVCs (formerly voluntary PICs) can be used to violate due process and registrant protections including freedom of expression. They can be used to create content-oriented interference by registries that far exceeds the scope and function of ICANN. Accordingly, we must continue to disagree with RVCs and their inclusion in the new Applicant Guidebook.

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☒ New information or interests that the Working Group has not considered

Enter your response here:

Throughout the Internet, platforms are adopting *more processes* for better and more fairly handling allegations against speech, including disinformation, political bias and fraud. Yet, the WG moves to endorse the RVCs that could be used to provide complete control over content to registries. We understand why registries might want such control, but we submit that it is the wrong direction for ICANN (which is protected by its Bylaws that do not involve content) and the wrong direction for New gTLDs.

.....

Topic 10: Applicant Freedom of Expression

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 48 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☒ No, I would like to continue to the next section

Topic 11: Universal Acceptance

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 50 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

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Topic 12: Applicant Guidebook

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 52 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Emphasis was placed on the need for enhancing language support in the 6 UN languages

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 13: Communications

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 55 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 14: Systems

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 57 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 15: Application Fees

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 62 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Combined the Application Fees and Variable Fees section.
- Clarified that applicants utilizing a pre-evaluated RSP would not incur costs for the technical/operational evaluation element and that applicants qualifying for Applicant Support would necessarily be subject to a different fee structure.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

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Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☒ No, I would like to continue to the next section

Topic 16: Applications Submission Period

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 66 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 17: Applicant Support

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

****PLEASE NOTE:** There is an additional question below for Community Input.**

See page 67 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- For the recommendation related to support beyond the application fee, financial support for ongoing registry fees were removed.
- Suggested that a dedicated Implementation Review Team (IRT) (ASP) may be warranted for this topic alone and be constituted of experts in this area.
- Added greater detail on outreach and collaboration with local partners to achieve outreach plan.
- Added recommendation that the dedicated IRT establish metrics for success (with a non-exhaustive list of potential metrics included).
- Added Implementation Guidance that the dedicated IRT consider how to allocate support if the number of qualified applicants exceeds funds.
- Added recommendation that ICANN develop a plan for funding the ASP and potentially seek funding partners.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☒ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

NCSG fully supports: "Recommendation 17.2: The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process."

To be fully complete, however, the WG must also "flesh out" other recommendations for applicant support, including non-financial support (education and information) and a better sense of the multiplier and bid credits that will be given to AS applicants to ensure them a fair chance to win a gTLD, even if they are in contention sets with much larger and better-funded companies. We understand this is a shared goal of the WG, and more details and direction are key to ensuring this will happen.

In addition, the funds must be made available for Applicant Support very early - so that even early education can be accompanied by funds and support as potential applicants learn about and become interested in application process.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Question for Community Input

Recommendation 17.2 states: "The Working Group recommends expanding the scope of financial support provided to Applicant Support Program beneficiaries beyond the application fee to also cover costs such as application writing fees and attorney fees related to the application process."

Question: Should the Applicant Support Program also include the reduction or elimination for eligible candidates of ongoing registry fees specified in Article 6 of the Registry Agreement? If so, how should the financial impact to ICANN be accounted for?

If you have a response to the question please enter your response here:

Topic 18: Terms and Conditions

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 79 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Added recommendation about treatment of confidential elements of applications.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 19: Application Queuing

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 81 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Added recommendation to equitably prioritize IDN applications, including a detailed formula if relatively high volumes of IDN applications are received.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 20: Application Change Requests

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 86 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Recommends allowance of resolving string contention 1) through business combinations and 2) through string change for .Brand TLDs in limited circumstances.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

☐ Yes

☐ No, I would like to continue to the next section

Topic 21: Reserved Names

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 89 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- For consistency with other top-level Reserved Names, the WG altered the recommendation related to Public Technical Identifiers to only reserve the PTI acronym, not the full names.

If you choose one of the following responses there is no need to submit comments:

☒ Support Output(s) as written

☐ Not ideal, but willing to accept Outputs as written

☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 21.1: Geographic Names at the Top-Level (Annex I)

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

Please see Annex I, which contains the Final Report of Work Track 5 on Geographic Names at the Top Level of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences

If you choose one of the following responses there is no need to submit comments:

☒ Support Output(s) as written

☐ Not ideal, but willing to accept Outputs as written



No Opinion

If you choose the following response, please indicate in the text box below what should change and why:



Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:



New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 22: Registrant Protections

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 93 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- The Initial Report provided options to consider as alternatives to the Continuing Operations Instrument. Although the WG did not agree on a specific alternative, the WG did add a recommendation that alternatives be explored during implementation.

If you choose one of the following responses there is no need to submit comments:



Support Output(s) as written

☐ Not ideal, but willing to accept Outputs as written

☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

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Topic 23: Closed Generics (also known as Exclusive Generics)

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

****PLEASE NOTE: There is an additional question below for Community Input.****

See page 96 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- For the purposes of the draft Final Report, the WG designated the status as No Agreement and continued to make no recommendations with respect to either allowing or disallowing Closed Generics. However, with widely diverging viewpoints, the WG asked WG members to contribute proposals for consideration, to help identify circumstances when a closed generic may be permitted. These proposals were not thoroughly vetted by the WG and therefore none of the proposals at this point in time have any agreement within the WG to pursue. However, the WG is very interested in community feedback regarding the three proposals received, in regards to both the high level principles and the details (where provided). Thus, any feedback is appreciated.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☒ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Question for Community Input:

Please review the following proposals:

A Proposal for Public Interest Closed Generic gTLDs (PICG TLDs), submitted by Alan Greenberg, Kathy Kleiman, George Sadowsky, Greg Shatan): <https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report?preview=/144376220/144376262/ProposalforPICGnTLDs.pdf>

The Case for Delegating Closed Generics, submitted by Kurt Pritz, Marc Trachtenberg, Mike Rodenbaugh: <https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report?preview=/144376220/144376263/ClosedGenerics24July2020.pdf>

Closed Generics Proposal, submitted by Jeff Neuman in his individual capacity: <https://community.icann.org/display/NGSPP/Proposals+Included+in+Draft+Final+Report?preview=/144376220/144376261/Neuman%20Closed%20Generics%20Proposal.pdf>

Which, if any, do you believe warrant further consideration by the WG, and why? Are there elements or high-level principles in any of the proposals that you believe are critical to permitting closed generics even if you may disagree with some of the details? If so, please explain.

If you have a response to the questions please enter your response here:

Given the contentious nature of this topic, NCSG is not in a position to affirmatively support any of the proposals.

Topic 24: String Similarity Evaluations

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 102 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- The WG added detail and precision around its recommendations, especially around singular/plurals.
- The concept of "intended usage" was integrated into the singular/plural standard, meaning that in circumstances where string combinations that could be considered singular/plural, but where the applicants intend to use the strings in connection with different meanings, both can possibly be delegated. In this case, applicants must agree to mandatory PICs to use the string in line with their intended usage as described in the application.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 25: IDNs

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 109 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Added Implementation Guidance to allow applicants to apply for a string in a script that is not yet part of RZ-LGR, though it will not be allowed to proceed to contracting.
- Added additional recommendations/detail around same entity requirements for IDN variants at the top and second levels.
- Added recommendation that second-level IDN variants are not required to behave identically.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

☐ Yes

☐ No, I would like to continue to the next section

Topic 26: Security and Stability

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 113 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Refined recommendations related to root zone scaling, focusing on the rate of change for the root zone for a shorter period of time (e.g. monthly basis) rather than on a yearly basis.
- Added Implementation Guidance intended to promote the conservative expansion of the DNS.
- While previously discussed, formalized as a recommendation that emojis should not be allowed at any level in gTLDs.

If you choose one of the following responses there is no need to submit comments:

☒ Support Output(s) as written

☐ Not ideal, but willing to accept Outputs as written

☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 27: Applicant Reviews: Technical & Operational, Financial and Registry Services

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 116 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Structural and grammatical changes made for ease of understanding.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 28: Role of Application Comment

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 124 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Recommendations are better aligned and consistent with what occurred in the 2012 round, resulting in some recommendations being converted to affirmations instead. With more detail and precision overall, several recommendations were broken into discrete elements, expanding the number of overall recommendations in this section.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 29: Name Collisions

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 128 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Affirmed the use of the New gTLD Collision Occurrence Management framework, unless it is replaced by a new Board approved framework (e.g., as a result of the NCAP studies)

- Focused recommendations more on criteria for assessing name collision risk, relying less so on prescribed lists (e.g., High, Aggravated, Low).

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 30: GAC Consensus Advice and GAC Early Warning

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 133 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Created this separate section on GAC Early Warning and GAC Consensus Advice, apart from Objections.
- In recognition of the GAC's role under the ICANN Bylaws, the recommendations were made consistent with the GAC's role. The WG expressed its preference for certain outcomes (e.g., providing GAC Consensus Advice on TLD types ahead of program launch), but acknowledged that it is unable to impose such requirements on the GAC.
- The WG solidified its proposal to remove the language in the AGB that creates a "strong presumption for the ICANN Board that the application should not be approved," which the WG believes is consistent with the GAC's role under the ICANN Bylaws and encourages mutually beneficial outcomes rather than creating a presumption of rejected applications.
- Clarified that GAC Early Warnings must also include rationale for the warning, which should also promote mutually beneficial outcomes.
- Converted potential guidance in the Initial Report to a recommendation: RVCs should be allowed as a mechanism to address or mitigate concerns in GAC Early Warning or GAC Consensus Advice.

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☒ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

We believe that getting rid of "strong presumption" and including a voting threshold are a good idea. However the Board needs not motivate its rejection any longer as far as we understand, it only needs to provide "reasons" (compare that with "well-founded merits-based public policy reasons" that must be included in a GAC Advice contemplating rejection of an application on the basis of public policy grounds). So this appears to be a reversal from the 2012 AGB? We would rather have a high bar for everyone, both the Board and the GAC, but we can live with it as it stands now.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☒ No, I would like to continue to the next section

Topic 31: Objections

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 139 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Added Implementation Guidance aimed at improving accessibility to objections (e.g., reducing costs, timing requirements).
- Added recommendation to allow parties to mutually agree to one or three-expert panels.
- Added a recommendation and Implementation Guidance aimed at improving clarity in the process and transparency of outcomes (e.g., criteria and/or processes and fees/refunds should be available ahead of program launch and in the Applicant Guidebook; any additional panel requirements should be available in a central location).

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 32: Limited Challenge / Appeal Mechanism

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 148 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- The draft Final Report now includes a substantial amount of additional detail regarding challenges and appeals.
- The recommendations identify which evaluation mechanisms can be challenged and which objection decisions can be appealed. An Annex is included, which provides clarity around standing, the arbiter of the challenge/appeal, who is responsible for costs, standard for appeal ("clearly erroneous" for everything but conflicts of interests), and remedies.
- The recommendations seek to limit the impact that challenges/appeals may have on program timing and costs.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 33: Dispute Resolution Procedures After Delegation

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 156 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 34: Community Applications

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

****PLEASE NOTE:** There is an additional question below for Community Input. **

See page 157 of the draft Final Report: <https://gns0.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Added recommendation that letters of opposition should be considered in balance with letters of support.
- Added recommendation intending to clarify the scope of additional research done in performing CPE, and noting that any research impacting the decision should be disclosed to the applicant.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

We support a fair and balanced Community Application process, and one that will ensure that non-commercial, human-rights-oriented, grassroots Community Applicants will get fairly treated and receive "priority" when it is fair and reasonable for them to do so.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

☐ New information or interests that the Working Group has not considered

Enter your response here:

Question for Community Input:

Implementation Guideline 34.3 states: "To support predictability, the CPE guidelines, or as amended, should be considered a part of the policy adopted by the Working Group." In deliberations, the Working Group suggested changes to the Community Priority Evaluation (CPE) Guidelines from 2012, but did not ultimately recommend any specific changes to the text of the Guidelines (see guidelines here

<https://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> and comments from WG member here: https://drive.google.com/file/d/1lh_1NARViJXNNewDg-q87sQzQoC1dCtC/view?usp=sharing.

Question: Do you believe any substantive changes to the CPE Guidelines are needed? Please explain.

If you have a response to the question please enter your response here:

We share the concerns of certain members of the PDP, as expressed in the comments to the document, when it comes to the inclusivity of the definition of a community. For a given string, the CPE Guidelines should not create or reinforce biases in favor of formal communities in the form of legal associations with clear membership criteria, to the extent that such biases are not meant to be part of the general policy.

Topic 35: Auctions: Mechanisms of Last Resort / Private Resolution of Contention Sets

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

****PLEASE NOTE: There is an additional question below for Community Input.****

See page 163 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: Substantive differences include the following:

- Selected the second price sealed-bid mechanism for the ICANN Auctions of Last Resort, which was previously one of several options under consideration. The Working Group added procedural details, such as when bids should be submitted, confirmed that program evaluation elements should remain largely unchanged, how the ICANN Auction of Last Resort should be conducted, among other elements.
- The Working Group had previously been trending towards disallowing private resolution where a party is paid to withdraw, but is now focusing instead on seeking to ensure that applications are submitted with a bona fide ("good faith") intentions, while also allowing private resolution (including private auctions). Contentions sets resolved via private resolution have information disclosure requirements (i.e., Contention Resolution Transparency Requirements).

If you choose one of the following responses there is no need to submit comments:

- ☐ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☒ Do not support certain aspects or all of the Output(s)

Enter your response here:

NCSG does not believe that parties should be able to pay each other to withdraw their applications. In other words, we support the move to set aside private actions.

The ICANN Auctions are fair, transparent, and provide the financial benefit of the "contention set" to the Community. These funds will be returned to the Community for important goals, now discussed and evaluated over a number of years. It is similar to the FCC Spectrum auctions - the value of the shared public space of the gTLD belongs to Community.

Further, paying other applicants to withdraw their applications is conducive to gaming and jockeying -- and utterly favors gaming. Fairness for the global community, including smaller

applicants, non-commercial applicants, and Global South applicants -- would not allow this type of gaming and jockeying.

Private auctions should simply be banned, and other solutions such as Vickrey auctions and "sealed bid, second price auctions" through the ICANN-run auction process should be adopted for the fairness and integrity of the auction process.

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:



New information or interests that the Working Group has not considered

Enter your response here:

Question for Community Input:

Recommendation 35.3 requires that, "Applications must be submitted with a bona fide ("good faith") intention to operate the gTLD." The Working Group discussed examples of what would constitute a lack of bona fide intent and included a non-exhaustive list of indicative "Factors," though it believes analysis of the included examples and identification of additional examples is helpful. What do you believe are appropriate "Factors" to consider when determining if an application was submitted with a bona fide intention, and why?

If you have a response to the question please enter your response here:

NCSG does not believe that parties should be able to pay each other to withdraw their applications. We believe that a categorical rule is largely preferable to a "good faith" standard in the context of a gTLD application, as such a standard is very difficult to manage outside of a given, specific legal tradition.

Question for Community Input:

Also related to Recommendation 35.3, the Working Group discussed what the punitive measures should be if an application is found to have been submitted lacking a bona fide intention, in respect of the "Factors." Some of the ideas discussed include the potential loss of the registry, barring participation in any future rounds (both for the individuals as well as the entities (and their affiliates) involved), or financial penalties. In this respect, the Working Group discussed the timing of when such "Factors" may be identified (e.g., likely after private auctions have already taken place) and how that may impact potential punitive measures. What do you believe are appropriate punitive measures for applications that were submitted lacking a bona fide intention, and why?

If you have a response to the question please enter your response here:

NCSG believes the guiding principle here should be that the ICANN Community benefits from an additional round of new gTLDs. In that sense, to the extent an application in bad faith would amount to an opportunistic application designed for financial gains, all such gains realized by the entity should be given back to the Community in one way or another.

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☐ No, I would like to continue to the next section

Topic 36: Base Registry Agreement

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

****PLEASE NOTE: There is an additional questions below for Community Input.****

See page 172 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- The WG is converting questions in the Initial Report to recommendations.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:



New information or interests that the Working Group has not considered

Enter your response here:

Question for Community Input:

Recommendation 36.4 states: "ICANN must add a contractual provision stating that the registry operator will not engage in fraudulent or deceptive practices." The Working Group discussed two options for implementing the recommendation: the addition of a PIC or a provision in the Registry Agreement. A new PIC would allow third parties to file a complaint regarding fraudulent and deceptive practices. ICANN would then have the discretion to initiate a PICDRP using the third-party complaint. If a provision regarding fraudulent and deceptive practices would be included in the RA, enforcement would take place through ICANN exclusively. Which option is preferable and why?

If you have a response to the question please enter your response here:

Opening a complaint process to third parties may facilitate enforcement of the RA, to the extent that third parties can then formally "flag" alleged cases of fraud or deceptive practices to ICANN. NCSG thus prefers this option.

Topic 37: Registrar Non-Discrimination & Registry/Registrar Standardization

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

****PLEASE NOTE: There is an additional questions below for Community Input.****

See page 175 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Question for Community Input:

The Working Group discussed specific circumstances in which it may be appropriate for ICANN to grant Code of Conduct exemptions. In particular the Working Group considered a proposal that if a registry makes a good faith effort to get registrars to carry a TLD, but is unable to do so after a given period of time, the registry should have the opportunity to seek a Code of Conduct exemption so that it can be its own registrar without needing to maintain separate books and records and legally separate entities. What standard should be followed or what evidence should be required of the registry in evaluating if a "good faith effort" has been made? Is a Code of Conduct exemption as it currently exists the right mechanism for a registry that lacks registrar support for its gTLD, considering that the Code of Conduct is primarily focused on registrant protections?

If you have a response to the question please enter your response here:

Topic 38: Registrar Support for New gTLDs

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 176 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 39: Registry System Testing

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 177 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences, but minor differences include the following:

- Structural and grammatical changes made for ease of understanding.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Topic 40: TLD Rollout

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 180 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

.....

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

.....

Topic 41: Contractual Compliance

The below description of difference is intended to serve as a resource for readers to better understand which report topics have evolved significantly from the Initial Report to the draft Final Report. The differences are listed in a descriptive fashion and readers should review the full set of Outputs for the relevant topic as a package, to better understand the full context of the Outputs and changes made.

See page 181 of the draft Final Report: <https://gnso.icann.org/en/drafts/draft-final-report-new-gtld-subsequent-20aug20-en.pdf>

Description of Difference: No substantive differences.

If you choose one of the following responses there is no need to submit comments:

- ☒ Support Output(s) as written
- ☐ Not ideal, but willing to accept Outputs as written
- ☐ No Opinion

If you choose the following response, please indicate in the text box below what should change and why:

- ☐ Do not support certain aspects or all of the Output(s)

Enter your response here:

If you choose the following response, please indicate in the text box below the new information or interests that the Working Group has not considered:

- ☐ New information or interests that the Working Group has not considered

Enter your response here:

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☐ Yes
- ☒ No, I would like to continue to the next section

Section 3: Other Comments & Submission

Are there any additional recommendations that you believe the Working Group should consider making? If yes, please provide details below.

.....

Are there any other comments or issues you would like to raise pertaining to the draft Final Report? If yes, please enter your comments here. If applicable, please specify the page number in the draft Final Report to which your comments refer.

.....

Untitled Section

Save Your Progress

Do you want to save your progress and quit for now? You will be able to return to the form to complete at a later time.

- ☒ Yes
- ☐ No, I would like to go to another section